

Ex. Doc. No. 19.

HOUSE OF REPRESENTATIVES.

AMERICAN CITIZENS IMPRISONED IN IRELAND.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER

To a resolution of the House of Representatives, transmitting a report of the Secretary of State, and accompanying papers, in relation to the imprisonment of American citizens in Ireland.

DECEMBER 28, 1848.

Laid upon the table, and ordered to be printed.

To the House of Representatives:

In compliance with the resolution of the House of Representatives, of the 11th instant, requesting the President to inform that body "whether he has received any information that American citizens have been imprisoned or arrested by British authorities in Ireland; and if so, what have been the causes thereof, and what steps have been taken for their release; and, if not in his opinion inconsistent with public interest, to furnish this House with copies of all correspondence in relation thereto," I communicate herewith a report of the Secretary of State, together with the accompanying correspondence upon the subject.

JAMES K. POLK.

WASHINGTON, December 27, 1848.

DEPARTMENT OF STATE,
Washington, December 27, 1848.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 11th instant, requesting the President to inform that body "whether he has received any information that American citizens have been imprisoned or arrested by British authorities in Ireland; and, if so, what have been the causes thereof, and what steps have been taken for their release; and, if not in his opinion inconsistent with public interest, to furnish this House with copies of all correspondence in relation thereto," has the honor to report the accompanying copies of papers from the files of this department.

All which is respectfully submitted.

JAMES BUCHANAN.

To the PRESIDENT of the United States.

List of accompanying papers.

- Mr. Bancroft to Mr. Buchanan, July 23, 1848—extract.
- Mr. Brodhead to same, (two enclosures,) August 22, 1848—copy.
- Mr. Toucey to Mr. Bancroft, September 4, 1848—copy.
- Mr. Bancroft to Mr. Buchanan, (two enclosures,) September 8, 1848—extract.
- Same to same, (seven enclosures,) September 22, 1848—extract.
- Mr. Buchanan to Mr. Bancroft, (one enclosure,) September 27, 1848—copy.
- Mr. Bancroft to Mr. Buchanan, (four enclosures,) September 29, 1848—extracts.
- Same to same, (two enclosures,) October 6, 1848—extract.
- Same to same, October 20, 1848—extract.
- ✓ Mr. Buchanan to Mr. Bancroft, October 23, 1848—extract.
- ✓ Same to same, October 28, 1848—extract.
- Mr. Bancroft to Mr. Buchanan, (one enclosure,) November 10, 1848—extract.
- Same to same, November 17, 1848—extract.
- Same to same, November 23, 1848—copy.
- Same to same, December 1, 1848—extract.
- ✓ Mr. Buchanan to Mr. Bancroft, December 18, 1848—extract.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

AMERICAN LEGATION,
London, 17th November, 1848.

* * * * *

Your No. 42 is also before me. Your clear and very judicious opinions and instructions respecting our incarcerated countrymen at Dublin, made my duty too plain to be mistaken. I am happy to say that all which I have thus far done is exactly in harmony

with the views you express. The friends of the prisoners must be certain that nothing warranted by public law will be omitted by me in seeking their liberation. I am told, but not at all officially, the government wishes itself rid of them as well as many more now in jail. But nothing on the subject is worth reporting that has not the lord lieutenant's sanction.

Mr. Bancroft to Mr. Buchanan.

UNITED STATES LEGATION,
London, 23d November, 1848.

SIR: On Friday evening, 17th of November, an hour after the departure of our mail, the lord lieutenant of Ireland, with whom I had twice unsuccessfully sought an interview, did me the honor to pay me a visit; and in the most friendly manner, with the kindest expressions towards my country and towards myself as its minister, consented unhesitatingly at my request to direct the liberation of Mr. James Bergen and Mr. Richard F. Ryan, the two American sympathizers who have been held in prison in Dublin.

It will be expected that they quit the kingdom; but this is, I believe, only what they themselves desire to do. No other condition is annexed to their release.

JAMES BUCHANAN, ESQ.,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION,
London, 1st December, 1848.

Messrs. James Bergen and Richard F. Ryan are set at liberty in consequence of my earnest interference. I expect no other answer from Lord Palmerston to my letter to him of the 10th of November.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

No. 100.

UNITED STATES LEGATION,
London, 10th November, 1848.

Having failed in all my attempts verbally to obtain the freedom of Mr. Bergen and Mr. Ryan, I have thought it due to the United States to place on record a statement of their case. I have accordingly this day addressed Lord Palmerston an official note, a copy

of which is herewith transmitted. On the question of the right of a free man to choose his country, Germany and France think as we do, as the Roman republic did, and as every free State must do. The doctrine of perpetual personal allegiance is a badge of servitude; and the German parliament has formally repudiated it. I have already in conversation made a statement of the American view of the subject, and if it become necessary or expedient, there is no reason for not doing it in writing.

[Enclosure.]

Mr. Bancroft to Lord Palmerston.

UNITED STATES LEGATION,
London, 10th November, 1848.

MY LORD: Your note of the 30th of September was received by me on my recent return from the country; and having made the inquiries which it suggested, I now reply to it.

The lord lieutenant of Ireland, it appears by your lordship's note, holds in Newgate prison, Dublin, Mr. James Bergen, an American citizen, on suspicion of being the agent of associations in New York formed for the purpose of supporting an attempted outbreak in Ireland. An American citizen coming into the British dominions certainly owes respect to British laws, and is amenable for the breach of them to British tribunals.

But Mr. Bergen has, through the lord lieutenant, written to me, protesting his innocence of the suspicions against him. The utterance of his opinions in America on Irish affairs is no crime; if I understand your lordship, it is not imputed to him as a crime. I have had some opportunity of tracing his general conduct from the moment of his leaving America to the evening of his arrest, when he was just preparing to return home. He came to Europe in the most frugal manner, like the father of a family of small means which he desired to improve, and not as one provided with the resources of an association. On board ship he was discreet in his language and conduct. One whom I know well, and whose integrity and character I can vouch for, with good opportunity of observation, saw no reason to deem him an agent. He seems, during the few days of his being in Ireland, to have not even attended a political meeting. This, in substance, I brought to the knowledge of the government; and I had hoped that my representation might countervail the suspicion in the breast of the lord lieutenant, and would have gained Mr. Bergen leave to return to his own country. I had hoped this the more, as the statute 11 Victoria, cap. xx., which alone of the two exceptional acts of the last session of parliament specifies "aliens" as well as "Ireland," does but give authority to remove aliens from the realm. Her Majesty's government have judged otherwise. I have, therefore, on the part of my government, to request that Mr. Bergen, who has already languished in prison for more than three months, may have a fair trial without further delay.

In regard to Mr. Richard Franks Ryan, your lordship informs me that this citizen of the United States is, in the judgment of the lord lieutenant, a subject of her Majesty. I shall take an occasion to give to your lordship some of the reasons which lead me to hold that, by the accepted law of nations, Mr. Ryan owes allegiance to the United States of America alone.

Here I could wish to stop, reposing confidently on the justice of your tribunals and the clemency of your sovereign. But there are observations in your lordship's note which might lead to wrong inferences, were I not to place by their side a simple statement of facts, derived from the best sources at hand, in the absence of that official information which the British government withholds.

Early in August last, an order was secretly issued and circulated in Ireland, directing the *arrest of all persons coming from America*, the examination of their baggage, papers, and persons, and their detention in imprisonment. No authority was given to set free Americans thus arrested, even where it was admitted by the officer making the arrest that no ground whatever even of suspicion existed. Mr. Redington, the under secretary for Ireland, frankly avowed to two of my countrymen that the order contemplated the arrest and detention of every American citizen. And this general warrant of arrest, issued against all persons of or from the nation of America, was acted upon.

On this subject I must remark that I am ignorant of any British statute, or principle of the English constitution or common law, authorizing the arbitrary arrest of all American citizens in Ireland, or elsewhere in her majesty's dominions. The act 11 Vict., cap. xx., does but authorize the arbitrary removal of aliens from the realm, and the imprisonment of those only who refuse to depart. The act 11 and 12 Vict., cap. xxxv., gives broad powers of arbitrary arrest, but only in case of suspicion of high treason or treasonable practices.

Nor is the order in question consistent with the usage of nations. I know of not one precedent for it. Your lordship gives the best excuse for it, by comparing all Ireland to a battle field. But international usage requires the proclamation of martial law before the application of its rules. The good sense of the American travellers whose conversation Mr. Redington reported, suggested rightly that notice should have been given of the measure.

And what motive is there for assuming, before Ireland and the world, that every American citizen, and every person coming from America, would be likely to abet the outbreak in Ireland?

I cannot for a moment admit that anything which has happened in America justifies such measures. In the progress of the human race, nations profit by the experience of one another. Events in the history of America have perhaps contributed to beneficial changes in the condition of Ireland and they may do so hereafter; but it will never be by rebellions organized at public meetings at three thousand miles distance from the scene of action.

The United States protect freedom of speech, in private and in public; and sympathy with any political movement in any foreign

land is, in America, no offence. All human affairs come before the tribunal of public opinion; and the formation or expression of a judgment by the public opinion of a people is not an act of hostility. Poland has always, since the first partition of it, had English sympathies; yet without interrupting on that account the friendly relations of this kingdom with Prussia, Austria and Russia.

But, of all nations of the world, the United States have least interfered with the internal policy of others, and have least been propagandists, except indeed by the silent influence of their prosperity and contentment. Our federal system, which we cherish as the necessary condition of internal freedom in a great empire, does not, as your lordship intimates, surround the American government with constitutional difficulties in regard to its relations with foreign powers. On the contrary, our government has powers, as ample as ought to be conferred in a free State, on all questions relating to peace and commerce. The simple, silent, and effective action of the revenue laws of the United States, is in itself a protection to all countries against the unlawful importation into them of arms and ammunition from America. Your lordship declares that arms and ammunition have been sent by conspirators in the United States to Ireland, and have been seized and will be confiscated. I have held it a part of my duty to make inquiries as to these seizures. If your lordship were to see an inventory of them, I am sure they would scarcely be thought worth mentioning in an official note. I have heard of the seizure of but one gun and one sword cane; and the owners of them were not suspected of ill intentions.

And as to persons coming from America as volunteer enemies to the British government, I know of none. If there are any such, how many more have gone to Ireland from England; and how would every nation be always in strife with every nation, if the acts of individuals were to be taken respectively as acts of the government, or of the collective people?

Besides, when it is considered that the current of generous affection in America was turned towards Ireland in the time of her distress by famine; when it is considered that we have greatly relieved this kingdom by receiving into our country vast numbers of a laborious and frugal population, here esteemed a burden; when it is considered that all Europe has been convulsed, and the public sentiment agitated by a continuing series of extraordinary revolutions; when it is borne in mind that these revolutions have awakened active sympathies among the nations and governments of Europe, it must be admitted that the people of the United States have, amidst all these perturbations, best preserved tranquility; and that their government has, beyond all others, maintained the position of non-intervention.

I must, therefore, express my unfeigned surprise that your lordship should intimate that a state of things exists in the United States, contingently not "compatible with a continuance of friendly relations between the two governments."

I am not alarmed at the intimation; but I regret it. As far as the conduct of the government and people of the United States is concerned, it is gratuitous, and was unlooked for; and I am persuaded that the judgement, interests, and well considered policy of the two countries, as well as their ratified treaties, are guarantees that the friendly relations between them were never less likely to be interrupted.

I have the honor to be, with the highest consideration, your lordship's obedient servant,

GEORGE BANCROFT.

Viscount PALMERSTON, &c., &c., &c.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION.

London, 28th July, 1848.

* * * * *

Last Saturday the house of commons, at one sitting, suspended the *habeas corpus* act for Ireland; and on Monday I was present in the lords when, after the statements of the government were over, the bill went through that body as rapidly as the motions could be put, for suspending the rules, second reading, going into committee, third reading and passing. In two minutes or less, the whole was done.

Mr. Brodhead to Mr. Buchanan.

U. S. LEGATION, LONDON,

August 22, 1848.

SIR: In the absence from London of Mr. Bancroft, I have the honor to transmit to you, herewith, a copy of a note from Lord Palmerston which has just been received at this legation, enclosing a copy of a memorandum drawn up by Mr. Redington, the under secretary for Ireland, which contains an account of the circumstances under which five American citizens were arrested at Armagh on Sunday, the 13th instant, and discharged the next day, after having been taken to Dublin in custody; and expressing the regret of her Majesty's government that measures of precaution, which Lord Palmerston alleges have become necessary for the safety of the country, should, in their execution, have been productive of unintended inconvenience to gentlemen travelling merely for their own lawful purposes.

I have the honor, &c.,

JOHN R. BRODHEAD.

JAMES BUCHANAN, Esq.,

Secretary of State, Washington.

[Enclosure.]

FOREIGN OFFICE,
August 21, 1848.

SIR: I have the honor to enclose, herewith, a copy of a memorandum which was drawn up by Mr. Redington the under secretary for Ireland, and which has been communicated to me by Sir George Grey, her Majesty's principal secretary of state for the home department.

This memorandum contains an account of the circumstances under which five American gentlemen were arrested at Armagh, on Sunday the 13th instant, in consequence of its being supposed that they were some of those numerous parties who have lately come from the United States for the purpose of exciting rebellion in Ireland; but as soon as it was ascertained, by competent authority, that they were persons travelling for pleasure, they were released.

In transmitting to you this memorandum, I have to express the regret of her Majesty's government that measures of precaution, which have become necessary for the safety of the country, should, in their execution, have been productive of unintended inconvenience to gentlemen travelling merely for their own lawful purposes.

I have the honor to be, &c.,

PALMERSTON.

GEORGE BANCROFT, Esq., &c., &c.

[Enclosure.]

In consequence of information received by the Irish government, that a considerable number of citizens of the United States, and others from America, might be expected in Ireland as agents of the sympathizers with the revolutionary party in this country, and for the purpose of forwarding the treasonable designs of the disaffected, it became necessary that a strict watch should be placed upon all persons arriving from, or who appeared to be inhabitants of the United States. There was, moreover, reason to believe, that many of those persons would appear in the character of disappointed emigrants, while many who, it was reported, had volunteered to come over and superintend the military organization here, were officers and men who had recently served in the Mexican war. Under these circumstances the order No. 1 was issued by Colonel McGregor. A circular had also been some time previously issued to the magistrates, calling their attention to 50 Geo. III., c. 102, sec. 7, under which strangers may be examined, detained, and required to give security for good behavior.

On Sunday, the 13th instant, five American gentlemen, named W. A. Newbold, Franklin Taylor, Thomas N. Taylor, George S. Pepper, and Frederick Pepper, were arrested by Sub-inspector Kelly, at Armagh, and brought before the magistrates, who, feeling a difficulty as to the course to be pursued, and the gentlemen de-

tained stating that much inconvenience would be experienced by them if they were not allowed to proceed at once to Liverpool, it was arranged that the sub-inspector should proceed in charge of the party to Dublin. Immediately that the case was reported to me, on yesterday morning, finding that there were no grounds of suspecting these gentlemen to be connected with treasonable proceedings, I directed their discharge.

Later in the day, the three first named gentlemen called at my office, and I had a long interview with them. They expressed a desire to be furnished with a copy of the circular issued by Colonel McGregor, or the orders of the Government under which they were arrested, as they wished to make a communication on the case to their minister in London. I stated that I regretted they should have been thus inconvenienced; that, however, the state of the country was such as to render these stringent regulations necessary, and that they must be satisfied that no unnecessary delay had taken place, when the matter was brought under the notice of the government in directing their liberation; but that I did not feel it consistent with my duty to give them a copy of the order referred to, being a document issued by a department of the government for the instruction and guidance of its subordinates. They said they felt annoyed at being subjected to such treatment without having any previous notice that travellers were liable to be thus arrested, and that their principal object in wishing to send a copy of the order to their minister in London was, that such of their countrymen as were travelling in Europe, and might desire to visit Ireland, should be aware of the risks they incurred in coming here. I replied, that I must still decline to comply with their request. I explained to them that there were laws in this country which affected strangers sojourning or wandering through the country, which, in more settled times, were seldom put in operation, but which, at present, it had become necessary rigidly to enforce. They stated that they were in no way connected with the sympathising demonstrations in America, nor was their visit connected with any political matter. I stated that I was fully satisfied of that, and had, immediately on being informed of the case, directed their discharge from arrest.

Having intimated that, when questioned at Armagh as to their journey and its objects, they had produced passports showing that they had spent the last few months on the continent of Europe, I assured them that I did not doubt the truth of their statement, but that I could not undertake to admit the production of such documents generally as conclusive evidence either of the identity or of the previous movements of the parties who presented them; adding that there was at present confined in one of the prisons here a person who stated that he had just returned from America, where he resided, and offered evidence of the fact, while on the following day or so two gentlemen arrived from England stating that he was the ordinary medical attendant of one of them, and living in Liverpool, and that the story of his having been in America was false. They complained of the order of 2d August particulariz-

ing *Americans*, on which I reminded them, although I did not accuse the United States' government, or American born citizens of the republic of forwarding the Irish revolutionary movement, yet that they must be aware that at this moment an association existed in that country, composed of persons admitted to American citizenship, who were actively engaged in organizing means for overthrowing the sovereignty of her Majesty queen Victoria in this country; and that, therefore, however much I regretted persons having no such evil intentions being inconvenienced, yet they must not be surprised at the attention and measures of the government being particularly directed to the proceedings of persons from America landing in this country.

After some further observations on the inconvenience, thus occasioned to travellers in a country where, like their own, the circulation had hitherto been unrestricted, and the impossibility of protecting themselves against such annoyances where no passport system existed, they *retired*, expressing to me their opinion that some notice of the measures thus directed to be taken against Americans should have been communicated to Mr. Bancroft, for his information, and that of their fellow-citizens visiting this country.

THS. REDINGTON.

DUBLIN CASTLE, 15th August, 1848.

Mr. Toucey to Mr. Bancroft.

DEPARTMENT OF STATE,
Washington, September 4, 1848.

SIR: Having been appointed Secretary of State *ad interim*, during the temporary absence of Mr. Buchanan, I am directed by the President to call your attention to the condition of those American citizens who have been arrested and held for trial under the charge of sedition or treason, for interference in the affairs of Ireland.

The department has no official knowledge of any such arrest or interference, nor any information on the subject, except such as is before the public. I am not, therefore, able to furnish you with a list of names, or to aid your inquiries; yet so much has transpired through the public journals as to induce a belief that such arrests have taken place, and to make it expedient that they should attract some official notice.

If, upon inquiry, it shall be ascertained that any such arrests have occurred, it will be right, and the duty of the government to see that the persons arrested have the full benefit of legal defence. And it may be, and in the present instance is, its duty also, to interpose its good offices in their behalf, beyond the strict limit of securing for them a full and fair trial.

It is the wish of the President, and he instructs you to urge upon the British government the adoption of a magnanimous and merci-

ful course towards these men, who have been implicated in the late disturbances in Ireland. The calamities which have recently befallen her starving population by the dispensation of Providence in the destruction of her crops, the close bonds of sympathy between them and a large class who have removed and established themselves permanently in America, the national sympathy which has been extensively manifested in acts of charity and good will towards the Irish people, and the unsettled state of so large a portion of the civilized world, constitute a series of exciting causes so powerful as to render it hardly possible that an interference or outbreak to some extent should not have taken place.

But the power of the British government is so great that it can well afford to be magnanimous. Perhaps no act on its part would have so happy an effect, or would be received by other nations with more universal approbation, than an act of general amnesty. While the government of the United States disclaims any right to interfere on behalf of British subjects, it is at liberty to say that such an act, so far as it embraces the case of our own citizens, would be regarded with particular favor. And should an act of grace and pardon, extended to our own citizens, be deemed to carry along with it the necessity of similar favor to British subjects in Ireland, it is believed that that necessity would constitute no objection to the measure, but would redound to the honor of Great Britain in the estimation of the wise and good in all ages.

It is the desire of the President that this subject be presented to her Majesty's government with great delicacy, and pressed by all the considerations that may occur to you and appropriately belong to it.

I am, sir, respectfully your obedient servant,
ISAAC TOUCEY.

GEORGE BANCROFT, Esq.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION,

London, September 8, 1848.

I enclose a copy of an act of parliament, passed on the 25th of July, 1848, "to empower the lord lieutenant or other chief governor or governors of Ireland to apprehend and detain, until the first day of March, 1849, such persons as he or they may suspect of conspiring against her majesty's person and government," which confers for a time arbitrary and unlimited powers of detention on the Irish government. Under this law several Americans have been arrested. Some have been promptly released, some are still detained in custody. I have had interviews on the subject at the foreign office and at the home office. A readiness is avowed to recede where the arrests are founded on mistake. As to those, if

any such there be, who took part in Ireland in the abortive insurrection, I believe no intention exists of adopting extreme measures towards them. I annex a copy of a note to Lord Palmerston on the incarceration of Mr. James Bergen.

[Enclosure.]

Anno undecimo and duodecimo.

VICTORIÆ REGINÆ.

CAP. XXXV.

An act to empower the lord lieutenant or other chief governor or governors of *Ireland* to apprehend, and detain until the first day of *March*, one thousand eight hundred and forty-nine, such persons as he or they shall suspect of conspiring against her Majesty's person and government.

[25th July, 1848.]

Whereas, a treasonable and rebellious spirit of insurrection now unfortunately exists in *Ireland*: Therefore, for the better preservation of her Majesty's most sacred person, and for recovering the peace, the laws, and liberties of this kingdom, be it enacted by the queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons who is, are, or shall be in prison within that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, at or on the day on which this act shall receive her Majesty's royal assent, or after, by warrant of her Majesty's most honorable privy council of *Ireland*, signed by six of the said privy council, for high treason or treasonable practices, or suspicion of high treason or treasonable practices, or by warrant signed by the lord lieutenant or other chief governor or governors of *Ireland* for the time being, or his or their chief secretary, for such causes as aforesaid, may be detained in safe custody without bail or main-prize until the first day of *March*, one thousand eight hundred and forty-nine, and that no judge or justice of the peace shall bail or try any such person or persons so committed without order from her said Majesty's privy council, until the first day of *March*, one thousand eight hundred and forty-nine, any law or statute to the contrary notwithstanding.

II. *And be it enacted*, That in cases where any person or persons have been, before the passing of this act, or shall be during the time this act shall continue in force, arrested, committed, or detained in custody by force of a warrant or warrants of her Majesty's most honorable privy council of *Ireland*, signed by six of the said privy council, for high treason or treasonable practices, or suspicion of high treason or treasonable practices, or by warrant or war-

rants signed by the lord lieutenant or other chief governor or governors of *Ireland* for the time being, or his or their chief secretary, for such causes as aforesaid, it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed, to detain such person or persons so arrested or committed in his or their custody, in any place whatever within *Ireland*, and that such person or persons to whom such warrant or warrants have been or shall be directed, shall be deemed and taken to be, to all intents and purposes, lawfully authorized to detain in safe custody, and to be the lawful jailers and keepers of such persons so arrested, committed, or detained, and that such place or places where such persons so arrested, committed, or detained, are or shall be detained in custody, shall be deemed and taken, to all intents and purposes, to be lawful prisons and jails for the detention and safe custody of such person and persons respectively; and that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, by warrant signed by him or them, or for the chief secretary of such lord lieutenant or other chief governor or governors, by warrant signed by such chief secretary, or for her Majesty's privy council of *Ireland*, by warrant signed by six of the privy council, from time to time, as occasion shall be, to change the person or persons by whom and the place in which such person or persons so arrested, committed, or detained, shall be detained in safe custody.

III. Provided always, and be it enacted, That copies of such warrants respectively shall be transmitted to the clerk of the crown in and for the county of the city of *Dublin*, and shall be filed by him in the public office of the pleas of the crown in the city of *Dublin*.

[Enclosure.]

108 EATON SQUARE,
September 6, 1848.

MY LORD: I desire to bring to your lordship's knowledge that Mr. James Bergen, now held imprisoned in Ireland, is an American citizen, born in New England, and as such, entitled to the protection which his country can afford him in a foreign land.

Mr. Bergen is a married man, with a wife and children in America dependent on him for their support; and he was arrested in Dublin for causes to him unknown, just as he was preparing to return to the United States.

I beg to be informed why he was thus suddenly taken into custody; and to request that he may enjoy such privilege of egress from this kingdom as belongs of right to foreigners who come to her Majesty's dominions to engage in lawful pursuits connected with the commerce of the two countries.

I have the honor, &c.,

GEORGE BANCROFT.

Viscount PALMERSTON,
&c., &c., &c.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION,
London, September 22, 1848.

SIR: I annex copies of several letters on subjects which have grown out of the troubles in Ireland.

[Enclosure.]

UNITED STATES LEGATION,
London, August 30, 1848.

SIR: In the absence of Mr. Bancroft, who is in Scotland, I have the honor to acknowledge the receipt of your letter of the 28th of this month, forwarding a letter addressed to Mr. Bancroft by Mr. James Bergen, of New York, now confined in Newgate prison, Dublin.

I have this day transmitted these letters to the minister for his consideration, and await his directions thereupon.

I cannot but avail myself of this occasion, however, to state to you that Mr. Bancroft has ascertained that Mr. Bergen, who is an American citizen by birth, is an insurance broker, doing business in New York; that he came over to this country to see if he could find business at Liverpool, &c.; and had already decided to return to America, when he was suddenly and unexpectedly arrested while on a visit to Dublin; and that Mr. Bancroft has been told by some of his countrymen, who saw Mr. Bergen in Ireland till a few hours before his arrest, that they could discover nothing about him that had the least aspect of fomenting discontent.

Under these circumstances, Mr. Bancroft writes to me that, while we would not interfere if Mr. Bergen were chargeable with any offences committed in Ireland, yet that, as we believe, he came here solely for business purposes, and was, at the time of his arrest, on the point of embarking for America, we cannot but hope the authorities in Ireland will offer no further obstruction to Mr. Bergen's return to his native land.

I have, &c., &c.,

JOHN R. BRODHEAD.

THOMAS REDINGTON, Esq.,

&c., &c., &c., Dublin Castle.

[Enclosure.]

DUBLIN CASTLE,

9th September, 1848.

SIR: I am directed by his excellency the lord lieutenant to acknowledge the receipt of your letter of the 30th ultimo, and with reference to the case of Mr. James Bergen beg to inform you that that gentleman has been detained in custody by the warrant of the lord lieutenant, under 11 Victoria, cap. 35, being charged with treasonable practices. Under these circumstances his excellency regrets that he cannot at present direct any steps to be taken for the release of Mr. Bergen.

I am further directed by the lord lieutenant to state that the result of inquiries made in reference to Mr. Bergen leads his excellency to believe that that gentleman is a subject of her Majesty.

I have, &c.,

TH. REDINGTON.

JOHN R. BRODHEAD, &c. &c. &c.

[Enclosure.]

FOREIGN OFFICE,

September 11, 1848.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, stating that Mr. James Bergen, an American citizen, has been imprisoned in Ireland for reasons not known to him; and requesting that you may be informed why Mr. Bergen was taken into custody, and also that he may be allowed to leave this kingdom.

And I have to inform you that I have not failed to send a copy of your letter to her Majesty's principal secretary of state for the home department for his consideration.

I have, &c. &c.,

PALMERSTON.

GEORGE BANCROFT, Esq., &c. &c. &c.

[Enclosure.]

108 EATON SQUARE,

12th September, 1848.

MY LORD: I have received from some of my countrymen who are well known to me, various statements of measures authorized to be adopted in Ireland towards my fellow-citizens of the American republic. These statements are of such a nature as to make

me desire from her Majesty's government exact information on the subject; and to that end, I ask for a full copy of the order issued on the second day of August last, by Colonel McGregor, the head of the constabulary in Dublin, in reference to the arrest of persons coming from America, and also a copy of an order on the same subject of the 18th of August last.

I do this that I may be able to give proper advice to my countrymen, and exact information to the American government.

I have, &c. &c.

GEORGE BANCROFT.

VISCOUNT PALMERSTON, &c. &c. &c.

[Enclosure.]

108 EATON SQUARE, *September 12, 1848.*

MY LORD: I learn that Mr. Richard F. Ryan, a citizen of the United States of America, and resident in the State of Ohio, is detained in prison in Dublin. He has, I understand, a passport from the American Secretary of State; and I have received, also, respecting him, a letter from a distinguished member of the United States Senate, of which I annex a copy. I am bound to ask the cause of his detention, and to express a hope that he may be released.

I have, &c.,

GEORGE BANCROFT.

VISCOUNT PALMERSTON, &c., &c., &c.

[Enclosure.]

WASHINGTON, *May 16, 1848.*

DEAR SIR: This will be handed you by Richard F. Ryan, esq., a citizen of Ohio, and a member of the Cincinnati bar. He is a gentleman of high standing and fine acquirements, and I take pleasure in commending him to your friendly offices.

Very respectfully,

F. A. HANNEGAN.

HON. GEORGE BANCROFT,
Minister Plenipotentiary, London.

[Enclosure.]

FOREIGN OFFICE, *September 16, 1848.*

SIR: I have the honor to acknowledge the receipt of your letters of the 12th instant, requesting information as to the nature of the

measures which have been adopted by the authorities in Ireland towards citizens of the United States, and as to the grounds upon which Mr. Richard Ryan has been imprisoned in Dublin; and I have to inform you that I have lost no time in referring your inquiries upon these matters to her Majesty's secretary of state for the home department.

I have, &c., &c.,

PALMERSTON.

GEORGE BANCROFT, Esq., &c., &c., &c.

[Enclosure.]

NEWGATE, DUBLIN, IRELAND,
September 1, 1848.

I am an American citizen, with a passport, who came to Ireland on business, and was illegally detained and arrested under a diabolical law called the "suspension of the habeus corpus" act, and am now a resident of a cell in Newgate; have not been permitted to confront my accusers, if any there be, and neither am I permitted to see the charge against me. *Many Americans* have been arrested on mere suspicion, and are tenants of different prisons in this country; it is said they are held upon mere suspicion, and will never be tried, but will be kept until the 1st of March, 1849. I trust that you will exercise the authority that is vested in you, and that you will find it proper to make an imperative demand for my liberty through the legitimate source. I had the pleasure of calling on you at Washington in *June last*; and Hon. J. J. Faran, of Ohio, Senator Hannegan, of Indiana, and other members of your legislative hall, will let you know who I am. I am allowed to see no persons in this place, except such as the lord lieutenant permits.

I have the honor to be your obedient servant,

RICH. F. RYAN.

Hon. JAMES K. POLK,

President of the United States, &c., &c.

Mr. Buchanan to Mr. Bancroft.

DEPARTMENT OF STATE,
Washington, September 27, 1848.

SIR: Referring to the instructions addressed to you from this department on the 4th instant, (No. 36,) I have the honor to transmit, herewith, a copy of a letter recently received by the President from Mr. Richard F. Ryan, who states that he is an American citizen, illegally imprisoned in Newgate, Dublin, and soliciting the interference of this government to obtain his release from confinement.

You are requested immediately to institute inquiries, in the proper quarter, in regard to this complaint, and if the case of Mr. Ryan prove to be a proper one for intervention, you will exercise your good offices in obtaining his discharge, or at least a prompt and fair trial.

I am, &c.,

JAMES BUCHANAN.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Buchanan.

[Extracts.]

UNITED STATES LEGATION,
London, September 29, 1848.

* * * * *

I have received, with great satisfaction, the letter of the acting Secretary of State, numbered 36, dated 6th September, directing my "attention to the condition of those American citizens who have been arrested and held for trial under the charge of sedition or treason, for interference in the affairs of Ireland."

I had already, presuming on the wishes of the President, carried out every part of those instructions relating to American citizens.

* * * * *

I have happily, thus far, as the annexed copies of letters indicate, not been required to plead for "an act of grace," but have been able to stand on the better ground of a demand for justice.

I shall see Lord Palmerston to-morrow, and will converse on all the topics of your letter.

—
[Enclosure.]

108 EATON SQUARE, September 23, 1848.

Mr. Brodhead presents his compliments to Mr. Redington, and is desired, by the American minister, to request that Mr. Redington will cause the enclosed letter to be conveyed to Mr. James Bergen, now detained in Newgate prison, Dublin.

With reference to the allegation in Mr. Redington's letter of the 9th instant, that the result of the inquiries made in reference to Mr. Bergen leads to the belief that that gentleman is a subject of her Majesty, Mr. Brodhead is further desired to state that Mr. Bergen was born in the State of Connecticut, is a citizen of the United States of America, has never renounced his allegiance to the United States, and has never been naturalized in Ireland or any part of her Majesty's dominions.

THOMAS REDINGTON, Esq., &c., &c., &c.

Dublin Castle.

[Enclosure.]

LONDON, 23d September, 1848.

SIR: I beg leave to acknowledge the receipt of your letter of the 21st instant, and in reply, to inform you that at my request Mr. Brodhead had an interview with one of the under secretaries of state with reference to your detention in Newgate, Dublin; that I have myself several times called at the foreign office and at the home office on the same subject; and that I have also addressed an official note to her majesty's principal secretary of state for foreign affairs, setting forth that you are an American citizen, born in New England—that you have a wife and children in America dependent on yourself for support—that you were arrested in Dublin, for causes to yourself unknown, just as you were about returning to the United States; and requesting to be informed why you were thus suddenly taken into custody, and also that you may have such privilege of egress from this kingdom as belongs of right to foreigners who come to this country to engage in lawful commercial pursuits.

To this application I have not as yet received a definite answer; but it has been referred to the home office, and I hope before long to receive a communication on the subject announcing to me your liberation. Meantime you may be assured that no exertion of mine will be wanting to secure to you all the protection which your country can afford to you in a foreign land.

I am, sir, &c.,

GEORGE BANCROFT.

JAMES BERGEN, Esq.,
Newgate prison, Dublin.

[Enclosure.]

108 ETON SQUARE,

23d September, 1848.

MY LORD: I must recall to your lordship's attention that on the 6th instant I addressed your lordship a note for the purpose of obtaining the liberation of Mr. James Bergen, a citizen of the United States, born in the State of Connecticut, and now detained in custody in Newgate prison, Dublin; and I at the same time called at the home office, to which my communication was to be referred, and received a promise of immediate attention to that communication.

Yet, thus far, no answer has been received; and, in the meantime, a native citizen of the American republic, believed to be blameless, has been held in prison about fifty days without even a statement of the grounds of his detention. I press this case upon your lordship's attention with all the earnestness which your lordship would justly manifest in the event of the arbitrary imprisonment of a British subject by a foreign power.

I have the honor to be, &c.,

GEORGE BANCROFT.

Viscount PALMERSTON, &c. &c. &c.

[Enclosure.]

FOREIGN OFFICE, *September 26, 1848.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, in which you refer to your letter of the 6th instant, requesting to be informed of the reason of Mr. James Bergen's imprisonment in Ireland; and I have the honor to state to you, in reply, that I have not yet received the answer of the home department to the reference which, as I informed you on the 11th instant, I have made to that department, upon the subject of Mr. Bergen's imprisonment. But I have not failed to send to her Majesty's principal secretary of state for the home department, for his consideration, a copy of your letter of the 23d instant.

I have the honor, &c.,

PALMERSTON.

GEORGE BANCROFT, Esq., &c., &c., &c.

[Extract.]

Mr. Bancroft to Mr. Buchanan.

UNITED STATES LEGATION,

London, October 6, 1848.

SIR: I have, at Lord Palmerston's invitation, been passing three days at his country seat. On returning, I find a letter from him, sent to my house in London while I was with him at Broadlands. I have not time to-day to offer any remarks on this letter; nor have I had time fully to consider it; but I call your attention to the claim set up by the lord lieutenant of Ireland that Mr. Ryan is a subject of her Majesty.

It is understood that he has a passport from you as a citizen of the United States, and he can be claimed as a British subject only on the ground that a British subject can never divest himself of his allegiance.

Two questions then arise: Does a naturalized citizen owe allegiance to any country but that of his adoption? and does the return of a naturalized citizen, for transient purposes, to his native country bring back upon him the obligation of allegiance to that country?

The argument against the doctrine of perpetual allegiance appears to me to derive, what it scarcely needed, irresistible confirmation from the fact that tens of thousands annually migrate from this kingdom to the United States, under the sanction of British law; that within the last twenty-five years nearly a million of souls have so emigrated; that a claim, on the part of the British crown, to the allegiance of men thus sent forth, and in such vast numbers, is, in itself, impossible to be asserted, and fraught with practical contradictions and absurdities without number. As the

claim in this particular case conflicts with the passport which was issued from your office, perhaps you will state to me your views on the subject.

I annex, also, a letter from an American citizen on the nature of the orders issued there, in reference to persons coming from America.

[Enclosure.]

FOREIGN OFFICE, *September 30, 1848.*

SIR: I have not failed to refer to the proper department of her Majesty's government your letters of the 6th and 12th of September, inquiring upon what grounds Mr. James Bergen and Mr. Richard Ryan have been imprisoned in Ireland; demanding the release of those persons, and requesting copies of certain orders which you state have been issued by the police authorities in Dublin, respecting the arrest of persons arriving in Ireland from America.

With regard to the detention of Mr. Bergen, I have the honor to inform you that authentic information reached her Majesty's government and the lord lieutenant of Ireland, as well from the United States as from other quarters, showing that Mr. Bergen was concerned in treasonable practices in connexion with the late attempted outbreak in Ireland; and there being reason to believe that he came to Ireland as the agent of certain associations which have been formed in New York, for the purpose of supporting that outbreak, the lord lieutenant, therefore, felt it to be his duty to cause Mr. Bergen to be arrested and imprisoned, under the provisions of the act passed in the last session of parliament, namely, the 11th and 12th Victoria, cap. 35.

With regard to Mr. Richard Franks Ryan, I have to inform you that he has been detained, under the provisions of the same act of parliament, as being concerned in treasonable practices; and that, from the facts which have come to the knowledge of the lord lieutenant of Ireland, his excellency entertains no doubt that Mr. Ryan is guilty of the charges brought against him. It has also been shown to the satisfaction of the lord lieutenant that Mr. Ryan is a subject of her Majesty.

I regret to have to inform you that, under these circumstances, her Majesty's government see no reason for releasing Mr. Bergen and Mr. Ryan from imprisonment.

With respect to the measures of precaution which the lord lieutenant of Ireland has deemed it right to adopt as to persons arriving in Ireland from the United States, I beg to observe that it is notorious to all the world that proceedings of the most hostile character towards the British government have, of late, taken place in the United States; that not only private associations have been formed, but that public meetings have been held for the avowed purpose of encouraging, assisting and organizing rebellion in Ireland, with a view to dismember the British empire, by separating

Ireland from the dominion of the British crown. It is also notorious that these associations and public meetings have been composed not only of Irish emigrants, but also of natural born citizens of the United States; and, indeed, among the number of these conspirators against the peace of a country with which the United States are in friendly relations, there is good reason to believe that persons have been found who, for many obvious reasons, it might have been hoped would not have been so engaged. It is perfectly well known that these conspirators in the United States have sent to Ireland, to assist the rebellion which they had intended to organize, money, arms, ammunition and active agents. Some portions of the arms and ammunition, indeed, have been seized and will be confiscated, and some of the agents have been arrested, and must be dealt with according to their deserts.

Her Majesty's government, well knowing the constitutional difficulties of the government of the United States, and convinced that the President has employed to the utmost the very limited means within his power to check and discountenance the proceedings above mentioned, have not pressed the government of the United States with representations against a state of things which, under other circumstances, would scarcely have been compatible with the continuance of friendly relations between the two governments. But, then, on the other hand, the government of the United States must not take it amiss that her Majesty's government should resort to measures of precaution and of repression in regard to persons, whatever their nationality may be, who, in this posture of affairs, may come from the United States to this realm; and if there should be any citizens of the United States who have chosen this period of disturbance for visiting Ireland, for innocent purposes, they must not be surprised if, like persons whom curiosity may lead into the midst of a battle, they should be involved in the sweep of measures aimed at men of a different description.

But her Majesty's government will always lament that mistakes of this kind should happen, by which unoffending travellers may be exposed to inconvenience; and the utmost alacrity will at all times be evinced by the Irish government to rectify such errors.

With regard to your request to have copies of the instructions issued by the police authorities respecting Americans arriving in Ireland, her Majesty's government regret that they cannot comply with your wish. There are many obvious reasons why it cannot be expected that one government should communicate to another the instructions which, in times of difficulty and disturbance, it may think right to give to the officers whom it employs to preserve the public peace. But her Majesty's government are responsible for all acts which may be done in consequence of such instructions, and from their responsibility, in this respect, they have no wish or intention to shrink.

I have the honor, &c., &c.,

PALMERSTON.

GEORGE BANCROFT, Esq., &c., &c.

[Enclosure.]

SEPTEMBER 7, 1848.

SIR: By an accident, I am enabled to communicate to you some facts which you will doubtless consider of an extraordinary character, and which it may, perhaps, be useful for you to be apprised of, as our minister at the court of Great Britain and Ireland.

On the 2d of August last, a general order (printed) was issued by Colonel McGregor, the head of the constabulary in Dublin, to the various officers under his authority, directing them to arrest *all* persons "coming from America," to seize, search, and examine their luggage, their persons, and the lining of their clothing. It allows no discretion to the agents of the police, nor does it even authorize that such persons arrested should be restored to their liberty in case of there being no ground for suspicion against them. Thus, you will perceive, sir, that citizens of our republican land, those, too, tainted with the circumstance of having come from there, even when conducting themselves peaceably and inoffensively, and not interfering in political questions here, were ordered by this government to be incarcerated at pleasure, and for an indefinite period.

On the 18th of August this order was modified, so as to limit the arrest and incarceration, seizure and search, to *returned emigrants* and "those Americans against whom there may exist *suspicion*." If nothing should be found to warrant such suspicion, these latter were to be liberated, but watched. This order is the last upon this subject. I have *seen* and *read* both of these orders attentively, and you may rely upon the perfect accuracy and precision of what I have stated.

* * * * *

I have felt it my duty to make this communication to you, as the representative abroad of the rights of our country and our people, to the end that you may know what steps have been taken by the government of Great Britain to deprive, at one time, all Americans of their personal liberty and the ordinary privileges and rights extended to foreigners against whom there may have been no charge, no complaint, no suspicion; now, indeed, so limited as to affect more particularly our naturalized citizens who may have come here on peaceful pursuits, of pleasure or business, relying upon the protection of their adopted country. These proceedings are relics of ancient barbarism, as well as a violation of the treaty stipulations usual among all civilized nations.

I am, &c.

[The writer of the letter, of which the foregoing is a copy, is well known to me.]

J. B.]

His excellency Hon. GEORGE BANCROFT,
Minister, &c., &c.

[Extract.]

*Mr. Bancroft to Mr. Buchanan.*UNITED STATES LEGATION,
London, October 20, 1848.

I have your No. 40, of the 27th of September, relating to the incarceration of Mr. Richard F. Ryan in Newgate, Dublin. I had already called the attention of the British government to his case, as well as to the very hard case of Mr. James Bergen. I shall not fail to seize every proper occasion to press for their liberation. The law under which they are held in custody is in its character thoroughly arbitrary; yet I am always answered that it is the law of the land. Mr. Ryan is arbitrarily imprisoned, but not illegally. The law, of which I sent you a copy with my No. 85, speaks for itself. It is utterly despotic in its character, but it received the sanction of parliament. The circumstance that the law is in its nature contrary to British usages, far from moderating its effects, has the opposite tendency. In despotic governments, the police is trained to the application of despotic rules, and custom begets moderation. In Ireland, there seems to have existed an eagerness to produce a great sensation.

Mr. Buchanan to Mr. Bancroft.

[Extract.]

DEPARTMENT OF STATE,
Washington, October 23, 1848.

* * * * *

I have this moment received your despatch, No. 92, and have only time before the closing of the mail to say a few words in relation to it.

Treason cannot be committed by a citizen of the United States against a foreign government; and we are bound, by every principle of faith and national honor, to maintain the doctrine, a firmly in favor of our naturalized as our native citizens. I should trust that the British government are not prepared, by the trial of Mr. Richard Ryan for treason, to precipitate a question which must produce such a tremendous excitement throughout our country; especially when this can be so easily avoided. If Ryan has violated the laws of Great Britain within her dominions, he can be tried and punished for an offence of a different denomination.

No. 42.

Mr. Buchanan to Mr. Bancroft.

[Extract.]

DEPARTMENT OF STATE,
Washington, October 28, 1848.

* * * * *

Mr. Richard F. Ryan obtained a passport, in the usual form, from this department, on the 17th May last, upon the production of his certificate of naturalization. He stands, therefore, precisely upon the same footing as though he had been born within the United States. I find, however, that I was too hasty in stating, as I have done in my last despatch, that treason could not be committed by a citizen of the United States against a foreign government.

Blackstone, in his commentaries, vol. I., page 369, says, that allegiance is distinguished by law "into two sorts or species, the one natural, the other local; the former being also perpetual, the latter temporary." Again, "local allegiance is such as is due from an alien, or stranger born, for so long time as he continues within the king's dominions and protection; and it ceases the instant such stranger transfers himself from his kingdom to another."

According to British law and practice, therefore, aliens guilty of treasonable acts whilst residing in England, are tried and punished for high treason. Vide I. East's Crown Law, page 52; IV. Blackstone's Commentaries, page 74. Vide, also, I. East's Crown Law, page 115, in regard to the form of an indictment for high treason. I take it, also, that even in this country, a foreigner, whilst enjoying the protection of our laws, and consequently owing temporary allegiance to our government, might, during this period, commit treason against the United States "in levying war against them, or in adhering to their enemies, giving them aid and comfort." Indeed, this seems to be taken for granted by Chief Justice Marshall in delivering the opinion of the court in the case of the United States *v.* Wiltberger, *V.* Wheaton, 97, when he says that "treason is a breach of allegiance, and can be committed by him only who owes allegiance, *either perpetual or temporary*. The words, therefore, owing allegiance to the United States, in the first section, [of the act for the punishment of certain crimes against the United States, approved April 30, 1790,] are entirely surplus words, which do not, in the slightest degree, affect its sense. The construction would be precisely the same were they omitted."

Sad, indeed, might be our condition should numerous emigrants hereafter arrive in our country in times of difficulty and danger, possessing a different spirit towards our institutions from that with which they have been heretofore animated, if none but citizens of the United States could commit the crime of treason.

It may also be observed that the words employed in the first section of the act to which I have referred, are "any person or per-

sons," not "any citizen or citizens of the United States," &c. &c. &c.

I have deemed it proper to make these suggestions, in order to correct a mistake into which we both have fallen.

The President has been highly gratified with your efforts in favor of our unfortunate citizens who have been arrested in Ireland, charged with sedition and treason against the British government, and feels confident that you will continue to aid them by every means proper to be employed by an American minister under such circumstances. I need scarcely add that, whenever the occasion may require it, you will resist the British doctrine of perpetual allegiance, and maintain the American principle, that British native born subjects, after they have been naturalized under our laws, are, to all intents and purposes, as much American citizens, and entitled to the same degree of protection, as though they had been born in the United States.

Yours, very respectfully,

JAMES BUCHANAN.

GEORGE BANCROFT, Esq.,

&c. &c. &c.

No. 44.

[Extract.]

Mr. Buchanan to Mr. Bancroft.

DEPARTMENT OF STATE,

Washington, 18th December, 1848.

SIR: The President has directed me to express to you his approbation of your able, persevering, and successful efforts to obtain the release of Mr. James Bergen and Mr. Richard F. Ryan, the two American citizens imprisoned in Newgate, Dublin, under the act of the British government, of 25th July last, [11th and 12th Victoria, cap. 35,] upon suspicion of treasonable practices against the British government. You have correctly designated this act as "thoroughly arbitrary" and "utterly despotic." It not only suspends the habeas corpus act—a measure which our own Congress possess the power under the constitution to adopt, "when, in cases of rebellion or invasion, the public safety may require it," but it deprives the unfortunate objects of government suspicion even of the small protection against unjust imprisonment which a previous *ex parte* accusation, under oath or affirmation, would afford. If the individual be merely suspected of "high treason or treasonable practices," by any of the agents of the Irish government, a warrant signed by six members of the privy council or by the lord lieutenant or chief secretary, is of itself sufficient to

commit him to prison, "without bail or mainprize." He is thus doomed to a dreary imprisonment, without even the melancholy satisfaction of knowing the specific nature of the crime with which he is charged.

If this law, arbitrary and despotic as it is, had been carried into execution, in the same impartial manner, against the citizens and subjects of all foreign nations, this government, especially after the release of Messrs. Bergen and Ryan, might have submitted in silence. But it appears that an invidious and offensive distinction has been made against American citizens in executing its provisions. They have been placed in a worse and more degrading condition than those of any other nation. They have been singled out from the rest of the world, and "all persons coming from America," from this fact alone, and without any other evidence, have been subjected by the government of Ireland, acting, of course, under the authority of that of Great Britain, in the language of the law, to the "suspicion of high treason or treasonable practices." The exercise of a wise discretion is more necessary in the execution of a despotic law than with regard to any other enactment; yet the Irish government has entirely relieved itself from this duty, by declaring in advance that "all persons coming from America," without exception, shall be imprisoned under this law. To have come from America to Ireland is conclusive evidence to doom the traveller for pleasure, the man of business, and all others, to its penalties, and this, too, without having received any previous warning.

Such is the character of the printed order of the 2d August, 1848, to which you refer in your note to Lord Palmerston, of the 10th November, as "secretly issued and circulated in Ireland, directing the arrest of *all persons coming from America*, the examination of their baggage, papers, and persons, and their detention in imprisonment. No authority was given to set free Americans thus arrested, even where it was admitted by the officer making the arrest that no ground whatever, even of suspicion, existed."

It does appear, from the letter of your Irish correspondent, of September 7, 1848, that, "on the 18th August, 1848, this order was modified, so as to limit the arrest and incarceration, seizure and search, to *returned emigrants*, and to those Americans against whom there may exist *suspicion*. If nothing should be found to warrant such suspicion, these latter were to be liberated, but watched."

The distinction, thus in effect drawn between naturalized and native American citizens, is invidious and unjust. Our obligation to protect both these classes is, in all respects, equal. We can recognize no difference between the one and the other, nor can we permit this to be done by any foreign government, without protesting and remonstrating against it in the strongest terms. The subjects of other countries who, from choice, have abandoned their native land, and accepting the invitation which our laws present, have emigrated to the United States and become American citizens, are entitled to the very same rights and privileges, as if

they had been born in the country. To treat them in a different manner, would be a violation of our plighted faith, as well as of our solemn duty.

The President has, therefore, directed me to instruct you to protest in the most solemn and earnest manner which official propriety will warrant, against the orders of the Irish government, issued on the 2d and 18th of August last, and against the arbitrary and offensive distinction, which they make between our citizens and the citizens and subjects of other nations, and also between our native and naturalized citizens. The liberation of Messrs. Bergen and Ryan, without trial, the only American citizens known by the department to have been imprisoned under this act, affords evidence almost equal to demonstration that no reasonable cause existed for these orders. The form and language of this protest, with the present despatch as a general guide, is submitted altogether to your own discretion.

I am, dear sir, &c.,

JAMES BUCHANAN.

GEORGE BANCROFT, Esq., &c., &c.